

Wetlands Bureau Decision Report

Decisions Taken
12/22/2008 to 12/28/2008

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2006-02581 MCCARTHY REVOC TRUST, WENDY
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Applicant requests reconsideration based upon revised plans, evidence of sedimentation, and abutter permission fo work within the 20 ft setback to property lines.

Conservation Commission/Staff Comments:

Appeal accepted 6/26/07. Certified Record filed with Council on 7/17/07. Pre-Hearing Conf. held 7/30/07. Parties request that proceedings be stayed for 90 days pending settlement discussions. No action was taken or needed by the Council.

APPROVE RECONSIDERATION:

Reconsider and approve permit to: Retain a 5 ft x 30 ft seasonal dock 13 ft from the northwest property line and dredge 54 cu yd from 1456 sq ft of lakebed on 245 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC revised November 21, 2008, as received by DES on November 24, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. All temporary impact areas shall be regraded to original contours and revegetated following completion of work unless otherwise specified on the approved plans.
4. There shall be no dredging below Elevation 502.32. All dredging shall be limited to the footprint as shown on the approved plan. No dredging shall be conducted or permitted for the purpose of creating an access channel to the seasonal pier.
5. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This permit shall not be effective until it has been recorded with the Carroll County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
7. Seasonal piers shall be removed for the non-boating season.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a Major impact project per Rule Env-Wt 303.02 (g) dredge of more than 20 cu yd of material from public waters.
2. In accordance with RSA 482-A:3, XIII, (c) all boat docking facilities shall be at least 20 ft from abutting property lines unless a signed, notarized waiver of the setback from the affected abutter is submitted by the applicant.
3. Rule Env-Wt 304.04, Setback From Property Lines, requires that projects shall be located at least 20 ft from abutting property lines unless the applicant submits written agreement to the impacts from the affected abutter.
4. The Applicant has submitted the required waivers of the 20 ft setbacks from both of the affected abutters.
5. The Applicant has identified erosion of an abutting driveway as the source of the accumulated sediment to be dredged.
6. The Applicant has proposed corrective measures to minimize the erosion of the adjacent driveway and prevent the deposition of sediment in the lake.
7. This approval is granted only to restore the previous depth conditions and shall not in any way be interpreted as evidence that this property has navigable frontage as defined per Rule Env-Wt 101.60.

Findings of Fact

8. On September 28, 2006, the Wetlands Bureau received a Standard Dredge and Fill Application for the after the fact approval of a 6 ft x 40 ft seasonal dock located within the 20 ft setback to abutting properties and approval to dredge 108 cu yd from 1456 sq ft of lakebed to provide adequate water depth for navigation.
9. On December 20, 2006 the Wetlands Bureau issued a Request for More Information Letter informing the Applicant that the Bureau had evidence that the existing pier had been legally installed and that the installation of a pier and subsequent dredging within the 20 ft setback to property lines would not be approvable.
10. On January 30, 2007 the Wetlands Bureau received revised plans to relocate the existing nonconforming 6 ft x 40 ft seasonal dock 30 ft southerly of its current location and dredge 1456 sq ft lakebed around the dock for navigation.
11. Field inspection by DES staff on December 13, 2006 observed the frontage while the water level was at Elevation 503.32, 1 ft below full lake, and it was noted that large areas of the lakebed adjacent to the frontage were exposed.
12. Plans as received by the Wetlands Bureau on January 30, 2007 indicate that both the dredging impact and pier location will encroach on the 20 ft setback to the property identified as Moultonborough Tax map 146, lot 17.

-Send to Governor and Executive Council-

2008-00830 SAGAMORE LANDING CONDO ASSOC, KEVIN ECKHART PORTSMOUTH Sagamore Creek

Requested Action:

Reconstruct existing permitted tidal docking structure by reducing fixed pier from 16' wide x 58' long, to 8' wide x 58' long; connecting to a 3' x 40' ramp, connecting to a 6' x 20' float, connecting in a T configuration to an expanded float system consisting of a 10' x 10' center float, connecting to a 6' x 35' float section to the easterly side of the center float; and connecting to a 6' x 65' float section to the westerly side of the center float. Reconstruction provides a total of 7 slips on 823 ft. of frontage on Sagamore Creek. Relocate two stabilizing pilings to correspond with new float ends.

Inspection Date: 07/15/2008 by Dori A Wiggin

APPROVE PERMIT:

Reconstruct existing permitted tidal docking structure by reducing fixed pier from 16' wide x 58' long, to 8' wide x 58' long; connecting to a 3' x 40' ramp, connecting to a 6' x 20' float, connecting in a T configuration to an expanded float system consisting of a 10' x 10' center float, connecting to a 6' x 35' float section to the easterly side of the center float; and connecting to a 6' x 65' float section to the westerly side of the center float. Reconstruction provides a total of 7 slips on 823 ft. of frontage on Sagamore Creek. Relocate two stabilizing pilings to correspond with new float ends.

With Conditions:

1. All work shall be in accordance with revised plans by Pickering Marine, dated 11/04/2008, as received by the Department on 11/07/2008.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. With this approved modification, the permittee accepts that no further increase in slip count shall be approved by the Department. This limitation represents mitigation for the size of the permanent pier, which, although reduced by 50% in this modification approval, is still slightly wider than that typically permitted under current standards.
4. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. Reconstruction of this tidal docking structure consisting of reducing fixed pier from 16' wide x 58' long, to 8' wide x 58' long; connecting to a 3' x 40' ramp, connecting to a 6' x 20' float, connecting in a T configuration to an expanded float system consisting of

a 10' x 10' center float, connecting to a 6' x 35' float section to the easterly side of the center float; and connecting to a 6' x 65' float section to the westerly side of the center float providing a total of 7 slips on 823 ft. of frontage on Sagamore Creek, shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.

7. Work shall be done during low tide.

8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The current docking structure on the property provides two slips on 823 ft. of frontage, and is used as a community dock shared by the adjacent neighborhood. The modification will expand the available access to the water for the neighborhood.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The applicant has reduced the size of the permanent, more impacting structure, and increased the size of the seasonal structure, which results in less permanent resource impact, a smaller structure overall in terms of square footage, yet provides greater functional dock space for the applicant. Overall square footage in the resource has gone from 928 square feet of permanent pier, and 480 square feet for the seasonal dock portion, equalling 1,408 square feet of impact in the tidal resource, to 464 square feet of permanent, and 820 square feet of seasonal, totalling 1,284 square feet of impact, representing a net reduction of 124 square feet in structure size and impact.

4. The applicant has further minimized the impact of this request by agreeing to permanently limit the number of slips of this dock and on this frontage, to the seven approved herein, although full application of Env-Wt 402.13 would allow there to be 12 slips on 823 feet of frontage.

5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported by the NH Natural Heritage Bureau for the greater project vicinity.

6. The revised design for modification complies with Env-Wt 402.21, Modification of Existing Structures, by representing less construction over public waters, and less environmental impact. The proposal does not reduce slip count, however, DES finds that the proposed slip count is permanently limited to 58% of that allowed for the length of the property frontage pursuant to Env-Wt 402.13, and that, in this limitation, in combination with the other reductions in impact, satisfies Env-Wt 402.21.

7. The Portsmouth Conservation Commission recommended approval of the application.

8. This application has received review of the federal PGP Joint Processing Meeting on 6/25/2008, and deemed eligible as proposed by the National Marine Fisheries ("NMFS").

9. This dock is consistent with other tidal dock approvals in the seacoast.

10. DES staff field inspection on 7/15/2008 with NMFS personnel and the applicant, and discussed revising the design of the modification request to meet the requirements of Env-Wt 402.20. Inspection found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

2008-01332 TEAM ONEIL
DALTON Unnamed Wetland

Requested Action:

Dredge and fill 2,980 square feet of wetlands, perennial and intermittent streams impacts (approximately 230 linear feet) to construct roads for expanding an existing off-road rally and safety driving school, and retain impacts for a snowmobile trail on the property. Restore 22,755 square feet of previously impacted wetlands and streams (100 linear feet) that were impacted for road and trail construction without permits, and restore 1,200 square feet (180 linear feet) within the bed and banks of Cushman Brook by removing a 60' x 60" culvert and associated fill and replacing with a 20' bridge span. Mitigate combined wetland impacts from this permit and previously issued permit #2005-0338 by making a one time payment of \$30,357.77 to the DES Aquatic Resource Mitigation (ARM) Fund.

Conservation Commission/Staff Comments:

The department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund. The payment calculated for the proposed wetland loss for this permit and the previously issued permit (#2005-0338) equals \$30,357.77.

Inspection Date: 11/05/2008 by Stacey P Herbold

APPROVE PERMIT:

Dredge and fill 2,980 square feet of wetlands, perennial and intermittent streams impacts (approximately 230 linear feet) to construct roads for expanding an existing off-road rally and safety driving school, and retain impacts for a snowmobile trail on the property. Restore 22,755 square feet of previously impacted wetlands and streams (100 linear feet) that were impacted for road and trail construction without permits, and restore 1,200 square feet (180 linear feet) within the bed and banks of Cushman Brook by removing a 60' x 60" culvert and associated fill and replacing with a 20' bridge span. Mitigate combined wetland impacts from this permit and previously issued permit #2005-0338 by making a one time payment of \$30,357.77 to the DES Aquatic Resource Mitigation (ARM) Fund.

With Conditions:

1. All work shall be in accordance with revised plans by Harry J. Burgess dated November 2008, as received by DES on December 1, 2008.
2. This approval is contingent on receipt by DES of a one time payment of \$30,357.77 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
3. This approval is contingent on approval by the DES Alteration of Terrain Bureau.
4. This permit shall not be effective until it has been recorded with the Coos County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low flow conditions.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

RESTORATION CONDITIONS:

14. This permit is contingent upon the restoration of 1,200 square feet (180 linear feet) within the bed and banks of Cushman Brook by removing a 60' x 60" culvert and associated fill and replacing with a 20' bridge span in accordance with conditions from the previously issued Wetland Permit #2005-0338.
15. This permit is contingent upon the restoration of 22,755 square feet of previously impacted wetlands and streams (100 linear feet) that were impacted for road and trail construction without permits, in accordance with restoration plans received by DES on

December 1, 2008.

16. The schedule for construction of the restoration area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.

17. The restoration area shall be properly constructed, monitored, and managed in accordance with the approved restoration plans.

18. Wetland restoration area shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

19. Stream restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to restore a stable and functioning stream similar to those natural areas found up and downstream of the crossing location. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, and changing the hydrologic regime.

20. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the stream restoration area is constructed in accordance with the restoration plan. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

With Findings:

1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.02(i), as the project will impact greater than 200 linear feet within intermittent and perennial streams.

2. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.

3. The payment calculated for the proposed wetland loss for this permit and the previously issued permit (#2005-0338) equals \$30,357.77.

4. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).

5. The payment into the ARM fund shall be deposited in the DES fund for the "Connecticut River - Johns River to Waits River" watershed per RSA 482-A:29.

6. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.

7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.

8. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

9. DES Staff conducted a field inspection of the proposed project on November 5, 2008, and viewed the areas that are proposed for restoration as well as areas that were requested to be retained.

10. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the resources, as identified under RSA 482-A:1.

2008-01895 RIPLEY, JOHN & MARGARET
NEWINGTON Unnamed Wetland Knights Brook

Requested Action:

Retain 1,984 sq. ft. of total impact to retain and finish maintenance on an existing 1,800 linear foot nature trail in or adjacent to Newington designated prime wetlands, including construction of three, 4' wide boardwalk sections (480 sq. ft., 160 linear ft.; 48 sq. ft., 16' linear ft.; and 320 sq. ft., 106 linear ft.), and placement of woodchips on trail for stabilization.

APPROVE AFTER THE FACT:

Retain 1,984 sq. ft. of total impact to retain and finish maintenance on an existing 1,800 linear foot nature trail in or adjacent to Newington designated prime wetlands, including construction of three, 4' wide boardwalk sections (480 sq. ft., 160 linear ft.; 48 sq. ft., 16' linear ft.; and 320 sq. ft., 106 linear ft.), and placement of woodchips on trail for stabilization.

With Conditions:

1. The deed for Newington Tax Map 17, Lot 15 having any portion of within the 100 foot Prime Wetland Buffer or Prime Wetland shall include the conditions of this permit.
2. The applicant shall notify in writing the DES Wetlands Bureau and the Conservation Commission of his/her intention to start construction no less than five (5) business days prior to the commencement of construction.
3. The boundaries of the 100-foot prime wetland buffer shall be clearly marked with orange construction fencing prior to construction, shall be remain marked until construction is complete and the work area is fully stabilized.
4. The boundaries of the 100-foot prime wetland buffer shall be permanently and clearly marked with signs every 75 feet to indicate the location of and restrictions on the area.
5. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
6. There shall be no dredging, removal, or disturbance of any existing vegetative undergrowth within the 100-foot prime wetland buffer other than within the limits of the approved trail. The placement of fill, construction of structures, or storage of vehicles or hazardous materials is prohibited.
7. Any additional human activities within the 100-foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by the Department of Environmental Services, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
8. A land resource professional shall inspect the project to insure compliance with approved plans and permit conditions prior to completion of the project. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. A prime wetlands public hearing was held on the application on 12/15/2008. Only the applicant and their consultant were in attendance. The record was closed at the completion of the hearing.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Trails throughout this property have existed prior to the designation of Newington Prime Wetlands, and have been regularly used by the property owners and neighbors, and are an important resource to the area. The boardwalk segments and woodchips were efforts intended to preserve and protect the resource as it is used by foot traffic.
4. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The property's trails will continue to be used, and the boardwalks and woodchips represent best management practices to avoid erosion impacts. The boardwalk segments replace wooden pallets previously placed in sections of the trail.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project. The species of concern reported by the NH Natural Heritage Bureau (Grasshopper Sparrow, Henslow's sparrow, Upland Sandpiper, and Osprey) as occurring in the vicinity of the project, were reviewed by NH Fish & Game Department ("NHFG"). In communication dated 9/17/2008, NHFG stated that based on their review of the project, they did not expect impacts to the species as a result of the project.
6. The Newington Conservation Commission recommends approval of the application.
7. The erosion controls, water velocity controls, grass treatment swales, stabilization methods, culvert sizing and invert elevations will protect the ability of the wetlands to retain floodwaters and silt.
8. Based on the inspection conducted on 5/5/2008 by DES personnel, the project involves minimal environmental impacts.
9. Based on findings #1-8 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

Any party may apply for reconsideration with respect to any matter determined in this action within 30 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

MINOR IMPACT PROJECT

2008-02187 CONCORD COUNTRY CLUB INC
CONCORD Unnamed Stream

Requested Action:

Restore 68 linear feet of intermittent stream to replace an existing 20-foot culvert with a bridge and stabilize 48 linear feet of failed stream bank.

APPROVE PERMIT:

Restore 68 linear feet of intermittent stream to replace an existing 20-foot culvert with a bridge and stabilize 48 linear feet of failed stream bank.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants dated September 24, 2008, as received by DES on December 04, 2008, and plans dated March 20, 2008, as received by the DES on September 08, 2008.
2. This permit is contingent upon the restoration of 68 linear feet of intermittent and stream channel in accordance with plans received on September 08, 2008, and December 04, 2008.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
4. Work shall be done during low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
14. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) shall not be used in the wetland restoration sites. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
15. Only native plant species appropriate to the area shall be planted.
16. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications and shall contain no reed canary grass (*Phalaris arundinacea*).
17. Mulch used within the stream restoration areas shall be natural straw or equivalent.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to entering construction.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each

operator shall be trained in its use.

20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

21. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

22. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

23. Materials used to emulate a natural channel bottom must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.

24. The recreated stream channel bed must maintain the natural stream bed elevation.

25. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.

26. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

27. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

28. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to assess the system and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of each restoration site.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks.

2. Under DES Wetlands and Non-Site Specific Permit 2005-00474 DES approved a dredge and fill of the same resource of a total of 9,830 square feet of wetland, including 180 linear feet of previously disturbed intermittent stream for pond construction, and golf course expansion and restore 1,100 square feet along 110 linear feet of the same intermittent stream.

3. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau and the Conservation Commission signed the originally submitted Minimum Impact Expedited Application.

4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2008-02173 OATES, JUDITH
NEW LONDON Pleasant Lake

Requested Action:

Install a 5 ft x 31 ft seasonal dock on Pleasant Lake, New London.

Conservation Commission/Staff Comments:

No Con Com comments by 12/23/08

APPROVE PERMIT:

Install a 5 ft x 31 ft seasonal dock on Pleasant Lake, New London.

With Conditions:

1. All work shall be in accordance with plans dated December 17, 2008, as received by DES on December 18, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water of the property to the northeast.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 31 feet from the shoreline at full lake elevation.
6. This permit does not allow for modification of the shoreline for the installation of the dock.
7. This permit does not allow for any dredge of the lake bed to provide slips.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The abutter to the west has signed an abutter consent letter for the placement of the dock within the abutter 20 foot setback.
3. The applicant has an average of 75 feet of shoreline frontage along Pleasant Lake.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 1 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

FORESTRY NOTIFICATION

2008-02618 DRED, STATE FOREST NURSERY
OSSIPEE Unnamed Stream

COMPLETE NOTIFICATION:
Ossipee Tax Map 21, Lot# 24

2008-02751 NH DRED, DIV OF FOREST & LANDS
STRATFORD Unnamed Stream Slide Brook

COMPLETE NOTIFICATION:
Stratford Tax Map R3, Lot# 1

2008-02752 LEVADA, ROBERT & NANCY
RINDGE Unnamed Stream

COMPLETE NOTIFICATION:
Rindge Tax Map 1, Lot# 7

2008-02776 SCHWAEGLER, BRUCE
ORFORD Unnamed Stream

COMPLETE NOTIFICATION:
Orford Tax Map 7-34, Lot# 3

2008-02777 WHITTEMORE, FREDERICK
PEMBROKE Unnamed Stream

COMPLETE NOTIFICATION:
Pembroke Tax Map 565, Lot# 101-1

2008-02778 SPNHF
ENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Enfield Tax Map 17, Lot# 22

2008-02779 AIKEN, DAVID
MILTON Unnamed Stream

COMPLETE NOTIFICATION:
Milton Tax Map 35, Lot# 2

EXPEDITED MINIMUM

2008-02384 HARPELL JR, GEORGE
TUFTONBORO Lake Winnepesaukee

Requested Action:
Replace 4 piles located east of the existing 6 ft x 35 ft docking structure on Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:
Con Com signed Exp Application on 11/03/08

APPROVE PERMIT:
Replace 4 piles located east of the existing 6 ft x 35 ft docking structure on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans as received by DES on November 05, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.

5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The applicant has an average of 120 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

AGRICULTURE MINIMUM

2008-01854 CODY, JAMES & SANDRA
LEE Unnamed Wetland

Requested Action:

Dredge 9,998 sq. ft of wet meadow to construct a farm/wildlife pond, and fill 4,500 sq. ft. of wet meadow to construct an improved farm access road with two stone fords to equalize drainage, to access hay crop fields.

APPROVE PERMIT:

Dredge 9,998 sq. ft of wet meadow to construct a farm/wildlife pond, and fill 4,500 sq. ft. of wet meadow to construct an improved farm access road with two stone fords to equalize drainage, to access hay crop fields.

With Conditions:

1. All work shall be done in accordance with plans by NRCS dated March 2008, as received by DES on 9/10/2008, and per materials from the Strafford County Conservation District dated 12/3/2008, as received by DES on 12/5/2008.
2. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. This permit shall be recorded with the county Registry of Deeds office by the permittee.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u), maintenance or improvement of existing crop or pasture land for continued agricultural use.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant seeks to construct a pond as a farm pasture and wildlife resource; and needs stable, reliable access to hay fields for crop production.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. Both project elements are located in wet meadow wetlands as required by Env-Wt 303.04(u).
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported by the NH Natural Heritage Bureau.
5. The Lee Conservation Commission recommends approval of the project.
6. The Strafford County Conservation District signed the applicant's Cooperator Agreement documenting that this is a bonifide and ongoing agricultural operation, as well as the Minimum Impact Agriculture application as required by Env-Wt 303.04(u).

PERMIT BY NOTIFICATION

2008-02722 PSNH
ROCHESTER Unnamed Wetland

Requested Action:

Temporarily impact a total of 2,065 sq. ft. of wetlands by placement of swamp mats and straightening of leaning utility poles for utility line maintenance.

PBN IS COMPLETE:

Temporarily impact a total of 2,065 sq. ft. of wetlands by placement of swamp mats and straightening of leaning utility poles for utility line maintenance.

2008-02738 PSNH
PORTSMOUTH Unnamed Wetland

Requested Action:

Temporarily impact a total of 5,100 sq. ft. of wetlands to install wooden swamp mats and replace utility poles in-kind for utility line maintenance.

Conservation Commission/Staff Comments:

Portsmouth Conservation Commission signed PBN.

PBN IS COMPLETE:

Temporarily impact a total of 5,100 sq. ft. of wetlands to install wooden swamp mats and replace utility poles in-kind for utility line maintenance.

CSPA PERMIT

2008-01564 KARL JR, PAUL
FRANKLIN Webster Lake

Requested Action:

Impact 1,484 sq ft to excavate and replace an existing building and foundation with a proposed building within the same footprint.

APPROVE PERMIT:

Impact 1,484 sq ft to excavate and replace an existing building and foundation with a proposed building within the same footprint.

With Conditions:

1. All work shall be in accordance with plans by Steve Ahlgren dated November 10, 2008 and received by the Department of Environmental Services ("DES") on December 18, 2008.
2. No more than 34.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces.
3. The project as proposed will impact no existing unaltered areas located within the Natural Woodland Buffer beyond the primary building setback.
4. No portion of the footprint of the proposed primary structure shall be located outside of the footprint of the existing primary structure, with the exception of changes resulting in an increased setback from the reference line.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau if the proposed primary structure is to be dependant on an on-site sewage disposal system.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. An existng Oak tree located within the 50 ft waterfront buffer and immediatly adjacent to the footprint of the proposed primary structure is considered a hazard tree as it poses a threat once the root system is damaged during excavation. Removal of this tree is allowed in accordance with RSA 483-B:9, V, (a).

2008-01748 17 RIVERSIDE REALTY LLC, MEG ASSET MGMT
NASHUA Mill Pond

Requested Action:

Impact 12,947 sq ft for regrading and the construction of a parking lot.

APPROVE PERMIT:

Impact 12,947 sq ft for regrading and the construction of a parking lot.

With Conditions:

1. All work shall be in accordance with plans by HSI Hayner/Swanson, Inc. dated December 12, 2008 and received by the Department of Environmental Services ("DES") on December 11, 2008.
2. No more than 15.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed shall impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback.
4. The proposed porous asphalt shall be installed and maintained in accordance with the manufacturers specifications.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-02171 SWISS VIEW VILLAGE CONDO, BERNIE GALLAGHER, PRES
BRISTOL Newfound Lake**

Requested Action:

The Applicant requests that the permit be amended to remove the condition restricting future modification of the proposed porches.

APPROVE AMENDMENT:

Replace existing decking with an enclosed porch and decking for each of 7 existing condos.

With Conditions:

Ammend Conditions to read:

1. All work shall be in accordance with plans by Granite State Surveying Inc. dated August 8, 2008 and received by the Department of Environmental Services ("DES") on September 29, 2008.
2. No more than 16.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed shall impact no unaltered areas within the Natural Woodland Buffer beyond the primary building setback.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-02298 CONCORD, CITY OF
CONCORD Merrimack River**

Requested Action:

Impact 23,056 to construct a storage facility for non-motorized watercraft with a paved walkway and retaining wall to provide athletic facilities and public access.

APPROVE PERMIT:

Impact 23,056 to construct a storage facility for non-motorized watercraft with a paved walkway and retaining wall to provide athletic facilities and public access.

With Conditions:

1. All work shall be in accordance with revised plans by Golde Planning and Design, Inc. dated December 11, 2008 and received by the Department of Environmental Services ("DES") on December 17, 2008.
2. No more than 43.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless

additional approval is obtained from DES.

3. The project as proposed shall impact no unaltered area within the Natural Woodland Buffer beyond the primary building setback.
4. An initial vegetation monitoring report shall be submitted to DES by July 30, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.
5. Proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
6. This permit does not authorize proposed impacts or structures to be located within the banks of the Merrimack River. Any proposed impacts or structures located within the banks of the Merrimack River that are indicated on the approved plans require a wetlands permit from the DES Wetlands Bureau prior to construction.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The retaining wall and paved walkway extension proposed within the 20 ft accessory structure setback will replace an existing failing retaining wall and mitigate an existing erosion problem.
2. The proposed retaining wall and walkway extension will direct stormwater to a proposed 1.5 ft deep stone trench for infiltration.
3. The project as proposed meets the requirements of Rule Env-Wq 1413.04, Criteria, for the granting of a waiver of Rule Env-Wq 1405.04, Setback for Accessory Structures, and, therefore, Rule Env-Wq 1405.04 is waived.
4. The project as proposed impacts only areas previously cover by impervious surfaces.

2008-02356 MANSEAU, HELEN
NORTHWOOD Northwood Lake

Requested Action:

Construct a closed drainage system to reduce erosion occurring between two leachfields impacting 1,900 sq ft, with no increase in impervious surfaces.

APPROVE PERMIT:

Construct a closed drainage system to reduce erosion occurring between two leachfields impacting 1,900 sq ft, with no increase in impervious surfaces.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering, Inc. dated September 19, 2008 and received by the Department of Environmental Services ("DES") on October 30, 2008.
2. No more than 28.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,125 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,375 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and

remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

2008-02362 GISTIS, CHRIS
GILFORD Lake Winnepesaukee

Requested Action:

Construct a 255 square foot addition to existing 2,248 square foot primary structure, and remove impervious walkway and replace with pervious walkway.

APPROVE PERMIT:

Construct a 255 square foot addition to existing 2,248 square foot primary structure, and remove impervious walkway and replace with pervious walkway.

With Conditions:

1. All work shall be in accordance with plans by Thomas DuHamel as recieved by DES December 4, 2008.
2. No more than 29.59% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to any remaining unaltered areas within the Natural Woodland Buffer beyond the primary building setback in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

2008-02468 HELWIG, GEORGE
LOCHMERE Silver Lake

Requested Action:

Impact 1, 940 sq ft to construct a frost wall to support an existing residential structure and expand an entry-way.

WAIVER APPROVED: RSA 483-B:9,II(b)is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

APPROVE PERMIT:

Impact 1, 940 sq ft to construct a frost wall to support an existing residential structure and expand an entry-way.

WAIVER APPROVED: RSA 483-B:9,II(b)is waived to allow the expansion of a primary structure that encroaches upon the

primary building setback.

With Conditions:

1. All work shall be in accordance with building plans by David B. Krause and modified by George Helwig dated May 15, 1994 and received by the Department of Environmental Services ("DES") on November 12, 2008 and stormwater control, plans by George Helwig received by DES on December 10, 2008.
2. This approval includes a waiver of the minimum primary building setback set forth in RSA 483-B:9, II(b). This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. No more than 23% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will impact no existing unaltered areas located within the Natural Woodland Buffer beyond the primary building setback.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in a decrease in impervious surface by approximately 40 sq ft.
4. The applicant has proposed to install stormwater controls consisting of a gutter system that shall direct stormwater to 1 of 2 proposed drywells.
5. The applicant has proposed to reduce the total amount of impervious surface on the lot, and install stormwater controls, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2008-02478 DOBROV, KENNETH
ATKINSON Island Pond

Requested Action:

Impact 4000 sq ft of the purposes of removing an existing single family dwelling and replacing with a year-round smaller single family dwelling with new septic.

APPROVE PERMIT:

Impact 4000 sq ft of the purposes of removing an existing single family dwelling and replacing with a year-round smaller single family dwelling with new septic.

With Conditions:

1. All work shall be in accordance with plans by James Lavelle dated December 18, 2008 and received by the Department of Environmental Services ("DES") on December 22, 2008.
2. All proposed actions associated with the installation of a new septic system are contingent upon approval by the DES Subsurface Systems Bureau.
3. No more than 17.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless

additional approval is obtained from DES.

4. The project as proposed will leave approximately 4,400 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,530 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Orange construction fencing shall be placed at the limits of construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02493 8 LOVEREN LANE LLC, BRUCE GURALL
ALTON Lake Winnepesaukee

Requested Action:

Impact 5,345 sq ft for the purpose of constructing an addition with garage to an existing single family dwelling, expanding the existing driveway, and removing an existing shed.

APPROVE PERMIT:

Impact 5,345 sq ft for the purpose of constructing an addition with garage to an existing single family dwelling, expanding the existing driveway, and removing an existing shed.

With Conditions:

1. All work shall be in accordance with plans by Thomas Varney dated October 27, 2008 and received by the Department of Environmental Services ("DES") on November 17, 2008.
2. All proposed activities associated with the removal and installation of septic systems are contingent on approval by the DES Subsurface Systems Bureau.
3. The area within the waterfront buffer where the existing septic system is to be removed according to plans by Thomas Varney shall be revegetated with native trees, shrubs and ground covers upon completion of project installation.
4. No more than 22.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Orange construction fencing shall be placed at the limits of construction.
6. The project as proposed will leave approximately 3,380 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,312 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02499 STEVENS, GILBERT
NOTTINGHAM North River

Requested Action:

Impact 5000 sq ft of the purpose of constructing a single family dwelling and septic system on a previously undeveloped lot.

APPROVE PERMIT:

Impact 5000 sq ft of the purpose of constructing a single family dwelling and septic system on a previously undeveloped lot.

With Conditions:

1. All work shall be in accordance with plans by Gilbert Stevens dated December 19, 2008 and received by the Department of Environmental Services ("DES") on December 22, 2008.
2. All actions associated with the proposed installation of a septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 1.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. The project as proposed will leave approximately 14,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Orange construction fencing shall be placed at the limits of construction.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02727 BAKER, GREGORY
ENFIELD Smith Pond

Requested Action:

Construct an access road for the purpose of rebuilding four (4) dikes and a concrete dam adjacent to Smith Pond in Enfield, NH. The access road will be constructed within the 20 foot accessory structure set-back in two (2) locations. Impacts within the accessory structure setback total 1,014 sq ft.

RULE WAIVER APPROVED: Env-Wq 1405.04 is hereby waived to allow construction of the proposed accessory structure(access road)within the accessory structure setback as specifically indicated on plans created by Natural Resource Consulting Services dated December 8, 2008.

OTHER:

Construct an access road for the purpose of rebuilding four (4) dikes and a concrete dam adjacent to Smith Pond in Enfield, NH. The

access road will be constructed within the 20 foot accessory structure set-back in two (2) locations. Impacts within the accessory structure setback total 1,014 sq ft.

RULE WAIVER APPROVED: Env-Wq 1405.04 is hereby waived to allow construction of the proposed accessory structure(access road)within the accessory structure setback as specifically indicated on plans created by Natural Resource Consulting Services dated December 8, 2008.

With Conditions:

1. All work shall be conducted in accordance with plans created by Natural Resource Consulting Services received by the Department of Environmental Services ("DES") on December 16, 2008.
2. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surfaces within the Setback other than those shown on building plans created by Natural Resource Consulting Services and received by DES on December 16, 2008.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. A copy of this Waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
7. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
8. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Silt fencing must be removed once the area is stabilized.
13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
14. Work shall be done during drawdown.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering the protected shoreland or wetlands.
16. Faulty equipment shall be repaired prior to entering jurisdictional areas.

With Findings:

1. The proposed structure, as identified on the town of Enfield, Tax Map 7 Lot 9, will be located within the 20 ft accessory structure setback to public waters and, therefore, fails to conform to the setback restriction set forth in Rule Env-Wq 1405.04.
2. The proposed accessory structure will not exceed 1,104 sq ft within the accessory structure set an will be located no closer than approximately 5 ft from the reference line.
3. Granting the request will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety.
4. Granting the request will not result in an impact on abutting properties that is more significant than that which would result from complying with the rule.
5. Granting the request is consistent with the intent and purpose of the rule being waived.
6. The Applicant's proposal will decrease the likelihood of adverse environmental impacts and erosion entering the lake by constructing the platform in a manner that does not disrupt natural ground cover on an embankment.

CSPA PERMIT W/VARIANCE

2008-02327 MALLEN, EDWARD/RENE
RYE Atlantic Ocean

Requested Action:

Impact 4,496 sq ft in order to replace an existing primary structure, construct accessory structures, and a septic system.

VARIANCE APPROVED: RSA 483-B:9, V, (g), (2), is varied so as not to require the planting of vegetation throughout the Waterfront Buffer.

APPROVE PERMIT:

Impact 4,496 sq ft in order to replace an existing primary structure, construct accessory structures, and a septic system.

VARIANCE APPROVED: RSA 483-B:9, V, (g), (2), is varied so as not to require the planting of vegetation throughout the Waterfront Buffer.

With Conditions:

1. All work shall be in accordance with revised building plans and stormwater control plans by Ambit Engineering Inc. dated December 16, 2008 and received by the Department of Environmental Services ("DES") on December 18, 2008.
2. This approval includes a variance of RSA 483-B:9, V, (g), (2) and, therefore, shall not be effective until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 26.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback.
5. The proposed rain garden and leaching catch basin shall be sufficient to provide effective stormwater infiltration.
6. The proposed rain garden shall be vegetated with native vegetation.
7. This permit is contingent on approval by the DES Subsurface Systems Bureau.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The applicant has proposed an increase in impervious surface to an amount which exceeds 20% of the total lot size and is unable to plant 50 points of vegetation within the waterfront buffer, and therefore fails to conform to a minimum standard set forth in RSA 483-B:9, V of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the granting of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
3. A special condition of the land would prohibit the property owner from planting 50 points of vegetation within the waterfront buffer.
4. The statute is being met to the greatest extent feasible while allowing the property owner to enjoy a significant property right and

therefore is consistent with the intents of the statute.

5. The proposed project will not injure the public or private rights of others.

6. Granting the variance will be consistent with the public interest as it allows the property owner to enjoy a significant property right while remaining consistent with the intents of the statute.

7. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.

CSPA PERMIT W/WAIVER

2008-01715 PLANTZ, ANDREW
DERRY Beaver Lake

Requested Action:

Impact 1,440 sq ft to replace a garage and add breezeway/porch to the primary structure.

WAIVER APPROVED: RSA 483-B:9, V, (b), (2) is waived to allow the expansion of a primary structure that encroaches on the primary building setback.

APPROVE PERMIT:

Impact 1,440 sq ft to replace a garage and add breezeway/porch to the primary structure.

WAIVER APPROVED: RSA 483-B:9, V, (b), (2) is waived to allow the expansion of a primary structure that encroaches on the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Andrew Plantz dated August 20, 2008 and received by the Department of Environmental Services ("DES") on August 25, 2008.
2. This approval includes a waiver to RSA 483-B:9,II(b). This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. No more than 48.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed shall impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback. Any existing unaltered Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. This permit is contingent on approval by the DES Subsurface Systems Bureau if the lot is dependant on an on-site sewage disposal system.
6. An initial vegetation monitoring report shall be submitted to DES by July 30, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.
7. Proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
8. Proposed dry wells shall be constructed in accordance with the manufacturers specifications.
9. Proposed dry wells shall effectively infiltrate stormwater.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Beaver Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove approximately 178 sq ft of impervious surface within the protected shoreland.
4. The applicant has proposed to install stormwater controls consisting of drywells at the downspouts of existing gutters.
5. The applicant has proposed to plant native vegetation where the existing driveway is to be removed.
6. The applicant has proposed to reduce the total amount of impervious surface on the lot by approximately 178 sq ft.
7. The applicant has proposed to install stormwater controls, plant native vegetation, and reduce the total amount of impervious surface on the lot by approximately 178 sq ft, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2008-01840 DROUIN, FRANCIS
SANBORTON Lake Winnisquam

Requested Action:

Impact 5,600 sq ft in order to replace an existing nonconforming primary structure with a proposed nonconforming primary structure.

WAIVER APPROVED: RSA 483-B:9,II(b)is waived to allow the replacement of a primary structure that encroaches upon the primary building setback.

APPROVE PERMIT:

Impact 5,600 sq ft in order to replace an existing nonconforming primary structure with a proposed nonconforming primary structure.

WAIVER APPROVED: RSA 483-B:9,II(b)is waived to allow the replacement of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with building plans and stormwater control plans by Francis Drouin dated September 2, 2008 and received by Department of Environmental Services ("DES") on September 5, 2008 and planting plans by Francis Drouin dated December 5, 2008 and received by DES on December 5, 2008, with a written amendment by Francis Drouin recieved by DES on December 19, 2008.
2. This approval includes a waiver of RSA 483-B:9,II(b) and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 28% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will impact no existing unaltered areas located within the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau if the lot is dependant upon an on-site sewage disposal system.

6. An initial vegetation monitoring report shall be submitted to DES by July 30, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.
7. Proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
8. The proposed permeable pavers shall be installed and maintained in accordance with the manufacturers specifications.
9. The proposed permeable pavers shall be sufficient to allow for effective stormwater infiltration.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to plant native vegetation consisting of White Birch, Pine, Rhododendron, Azalea, Red Maple, Weeping Cherry, Magnolia, Hostas, Ferns, Bleeding Heart, Box Elder and Low Bush Blueberry.
4. The applicant has proposed to install stormwater controls consisting of infiltration trenches located along the roof eaves of the proposed primary structure.
5. The applicant has proposed to replace approximately 1,100 sq ft of impervious driveway with pervious pavers.
6. The applicant has proposed to plant native vegetation, install stormwater controls, and replace an existing driveway with pervious pavers, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2008-01930 SEVILLE, JANETTE
CANAAN Goose Pond

Requested Action:

Impact 9,950 sq ft to expand an existing nonconforming structure, replace an existing walkway, replace an existing septic system with a proposed system, and expand an existing driveway.

WAIVER APPROVED: RSA 483-B:9,II(b)is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

APPROVE PERMIT:

Impact 9,950 sq ft to expand an existing nonconforming structure, replace an existing walkway, replace an existing septic system with a proposed system, and expand an existing driveway.

WAIVER APPROVED: RSA 483-B:9,II(b)is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised building plans, landscaping plans and stormwater control plans by CLD Consulting

Engineers dated December 9, 2008 and received by the Department of Environmental Services ("DES") on December 15, 2008.

2. This approval includes a waiver of the minimum primary building setback set forth in RSA 483-B:9,II(b). This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. No more than 14.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 6,629 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,370 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. An initial vegetation monitoring report shall be submitted to DES by July 30, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.
7. Proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
8. The proposed permeable walkway shall be installed in accordance with plans by CLD Consulting Engineers dated December 9, 2008 and received by DES on December 15, 2008.
9. The proposed permeable walkway shall be sufficient to allow for effective stormwater infiltration.
10. This permit does not authorize impacts to jurisdictional wetlands, including within the bank of Goose Pond.
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
13. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
14. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to replace an existing concrete walkway with permeable material.
4. The applicant has proposed to plant native vegetation within the 50 ft waterfront buffer consisting of Eastern Hemlock, Pepperbush, Blue Flag Iris, Sweet Gale, Chokeberry, Sweet Fern, Scented Fern, Grey Dogwood, Sweet Pepperbush, Buttonbush, Red Raspberry, and High Bush Blueberry.
5. The applicant has proposed to install stormwater controls consisting of stone drip edges along the roof eaves of the proposed primary structure.
6. The applicant has proposed to install a new septic system for improved wastewater treatment.
7. The applicant has proposed to replace an existing stone walkway with permeable material, plant native vegetation, install stormwater controls, and install a new septic system, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2008-02328 **MONTI, GERALDING**
HOLDERNESS **Squam Lake**

Requested Action:

Impact 18,400 sq ft for the purposes of expanding existing nonconforming structure via an enclosed corridor to a new proposed

residential dwelling and regrade the existing driveway to decrease the grade from 16% to 14% to better handle stormwater runoff.

WAIVER APPROVED: RSA 483-B:9, II (b) is waived to allow the expansion of the existing primary structure that encroaches upon the primary building setback.

APPROVE PERMIT:

Impact 18,400 sq ft for the purposes of expanding existing nonconforming structure via an enclosed corridor to a new proposed residential dwelling and regrade the existing driveway to decrease the grade from 16% to 14% to better handle stormwater runoff.

WAIVER APPROVED: RSA 483-B:9, II (b) is waived to allow the expansion of the existing primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated October 20, 2008 and received by the Department of Environmental Services ("DES") on October 27, 2008.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the Grafton County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 16% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 15,860 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 12,531 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Squam Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove approximately 263 sq ft of impervious surface within the waterfront buffer of the protected shoreland.

4. The applicant has proposed to install stormwater controls consisting of 1 foot deep x 2 feet infiltration trenches on the easterly and westerly perimeters of the proposed residential unit and garage.
5. The applicant has proposed to reduce the driveway grade from 15% to 11% as well changing the direction of the driveway to a more westerly direction to better handle storm water runoff.
6. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system behind the 150 foot natural woodland buffer.
7. The applicant has proposed to install stormwater controls, install a new septic system, and reduce the total amount of impervious surface coverage within the waterfront buffer by approximately 263 sq ft, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.